

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF RHODE ISLAND

FEDERAL INSURANCE COMPANY, As :
Subrogee of the TOWN OF WESTERLY :

VS. :

J. GALLANT ELECTRICAL SERVICES, :
INC. and THE HILLER COMPANIES, :
INC. d/b/a ADVANCED SAFETY :
SYSTEMS INTEGRATORS, INC. :

VS. :

C.A. No.: 1:22-cv-00123-MSM-LDA

PERIPHERAL MANUFACTURING :
INCORPORATED, Alias, PERIPHERALS :
INC., Alias, FIREAWAY, LLC, Alias, :
FIREAWAY, INC., Alias, :
JOHN DOE CORP. 1 THROUGH 10, :
JOHN DOE ENTITIES 1 THROUGH 10, :
and JOHN AND JANE DOE 1 :
THROUGH 10 :

**DEFENDANT, FIREAWAY, Inc.’s RE-NEWED MOTION TO DISMISS THIRD-PARTY
PLAINTIFF, J. GALLANT ELECTRICAL SERVICES, INC.’S FIRST AMENDED
THIRD-PARTY COMPLAINT FOR LACK OF PERSONAL JURISDICTION**

Now comes Third-Party Defendant, Fireaway, Inc. (“Fireaway” or “Third-Party Defendant”), by and through undersigned counsel, hereby renews its motion to dismiss Defendant/Third-Party Plaintiff, J. Gallant Electrical Services, Inc.’s (“J. Gallant” or “Third-Party Plaintiff”), First Amended Third-Party Complaint for lack of personal jurisdiction pursuant to the Rules of Civil Procedure Rule 12(b)(2).

Specifically, Fireaway lacks sufficient minimum contacts with the state of Rhode Island in order to be haled into court, and therefore is not subject to the jurisdiction of the state of Rhode Island. *Martins v. Bridgestone Americas Tire Operations, LLC*, 266 A.3d 753, 757 (R.I. 2022).

Third-Party Plaintiff has failed to establish a *prima facie* case of personal jurisdiction and its claims against Fireaway should be dismissed, with prejudice.

Fireaway relies on the accompanying memorandum of law in further support of its motion.

Respectfully submitted,
Fireaway, Inc.,
By their attorneys,

/s/ Kurt Rocha
Kurt A. Rocha, #8591
MELICK & PORTER
One Richmond Square, Suite 230E
Providence, RI 02906
401-522-5159
krocha@melicklaw.com

CERTIFICATE OF SERVICE

I hereby certify that an exact copy of the within document was electronically submitted to the Electronic Case Filing System of the United States District Court for its distribution to the following counsel of record on July 15, 2024:

**Counsel for Federal Insurance Company, as
Subrogee of the Town of Westerly**

Timothy J. Keough, Esq. (#9388)
White and Williams LLP
101 Arch Street, Suite 1930
Boston, Massachusetts 02110
Telephone: (617) 748-5228
Facsimile: (617) 748-5201
keought@whiteandwilliams.com

**Counsel for J. Gallant Electrical Services,
Inc.**

Daryl E. Dayian, Esq. (#5023)
Carrara Dayian PC
Three Regency Plaza, Suite 1
Providence, Rhode Island 02903
Telephone: (401) 621-8000
Facsimile: (401) 621-8001
ddayian@carraradayian.com

Counsel for the Hiller Companies, Inc.

Paul R. Crowell, Esq. (#6904)
Engelberg & Bratcher
100 High Street, Suite 1450
Boston, Massachusetts 02110
Telephone: (617) 371-4141
Facsimile: (617) 371-4140
Paul.crowell@zurichna.com